(3)

CHHOR

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3744 OF 2003

BETWEEN

Single Bench

V.N.Kurre, aged about 50 years S/o Late Shri H.R.Kurre, Working as Supdt. of Mines of Kusmunda Project, Resident of C-7, Vikas Nagar, Kusmunda, District Korba (CG).

PETITIONER

A N D

1. The Chief General Manager,
South Eastern Coalfields Limited, Kusmunda Area,
District Korba (CG).

2. The Director,
Technical (Operation)
S.E.C.L. Bilaspur (CG).

3. Shri Gopal Singh, CME (Inquiring Authority)
Kusmunda Project , Kusmunda,
District Korba (CG).

4. Shri V.R.Bakshi (Presenting Officer),
Personnel Manager, Kusmunda Project,
Kusmunda , District Korba (CG).

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Clerk to A. G. Bilaspur

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1. Particul

(47)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3744 of 2003

Petitioner V. N. Kurre

Versus

Respondents The Chief General Manager & others

Smt. Renu Kocher, Advocate for the petitioner.

None for the respondents.

ORAL ORDER

(9th May 2006)

This order of the Court was passed by Justice Satish K. Agnihotri.

1. The petitioner has filed this petition seeking a writ in the nature of certiorari for quashing the charge sheet dated 27.8.2003 (Annexure P/9) on the ground that the relevant documents have not been supplied to the petitioner.

2. This Court vide order dated 21.4.2004 has considered the submission of the petitioner and found that the documents shown in the list at page 28 of the petition has been supplied. Even otherwise the charge sheet cannot be quashed at this stage when the petitioner has failed to prove that if the entire facts, including the charge sheet are taken into consideration, no case is made out for interference by this Court. It is a case where the departmental enquiry is in process.

3. Having heard learned counsel for the petitioner and having regard to the facts and circumstances of the case, when the charge sheet has been issued and the departmental enquiry is pending consideration, it is not necessary to go into the charges levelled against the petitioner at this stage, because it may prejudice the case of the parties in the pending departmental enquiry

4. For the reasons stated above this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur